

OLC 78-0545/3

25 AUG 1978

*Pro / Leg*

MEMORANDUM FOR: Director of Central Intelligence

FROM:

[Redacted]  
Acting Legislative Counsel

STAT

SUBJECT: Firearms Legislation

REFERENCE: Correspondence with Chairman Bayh, Dated  
26 May 1978 and 28 June 1978 (Tab A)

1. Action Requested: It is requested that at the next appropriate opportunity you raise with Chairmen Bayh and Boland our concern that legislation to clarify and expand firearms authority for Agency employees receive full and prompt consideration by the Congress.

2. Background: On 11 May 1978 the Administration forwarded to the House and the Senate proposed legislation to clarify and expand the authority for employees of the CIA to carry firearms. This draft legislation was forwarded to the two intelligence oversight committees; to date, neither has taken any formal action. On 26 May 1978 Chairman Bayh wrote a letter to you requesting clarification of the proposed firearms legislation. This letter and the reply from you to Chairman Bayh are included in Tab A.

In follow-up conversations between my staff and the staff of the Senate Select Committee on Intelligence, it has become apparent the Committee is not inclined to press for separate consideration of the legislation; rather, the staff has indicated the SSCI will support us in making sure the charter legislation contains the necessary authority in this area.

We have been monitoring legislation that is now active and that is likely to be acted on by the Congress before this Congress adjourns in order to identify a possible "vehicle" for our firearms proposal. At present there appears to be no readily available vehicle; we will continue to be alert to such a contingency. Although we could press for introduction of a separate bill this session, and thereby impress the Congress and those in the Agency who are concerned with the lack of clear firearms authority that we are doing everything possible to obtain enactment of the legislation, I believe such a move could prove counterproductive.

OGC Has Reviewed

MORI/CDF

A separate bill combining expanded firearms authority and mention of the CIA would, by that fact alone, draw a certain amount of negative attention. Since there is virtually no chance that such a bill could be enacted this session at any rate, there would be no real chance to put the bill in its full and appropriate context, and thereby negate such criticism; this could make enactment of the bill next year slightly more difficult. The better course of action at this late stage in the 95th Congress would be to impress upon the leadership of our oversight committees the importance we attach to legislative clarification of our firearms authority, and leave introduction of the legislation for the start of the 96th Congress in January 1979. We would, therefore, include in our proposed legislative program to OMB our proposed firearms legislation for reintroduction early next year.

3. Recommendation: It is recommended that you raise this matter with Chairmen Bayh and Boland at the next target of opportunity to impress on them the importance we attach to this legislation and indicating to them we intend to seek favorable action on the legislation as soon as possible next year (i.e., not necessarily only in the context of the charter legislation).

SIGNED

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